

Subject-matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence - linked to which article of the Directive 2004/38 <input checked="" type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	13 March 2008
Deciding body (in original language)	Cour de cassation, Chambre civil 2
Deciding body (in English)	Court of cassation, 2nd Civil Chamber
Case number (also European Case Law Identifier (ECLI) where applicable)	No. of appeal: 08-60266
Parties	Mr. A/Administrative Commission
Web link to the decision (if available)	www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000018339576&fastReqId=969611094&fastPos=7
Legal basis in national law of the rights under dispute	<p>Article L. O. 227-1 of the Electoral code:</p> <p>Citizens of the European Union residing in France, other than French citizens, can take part in the election of town councillors under the same conditions as French voters, subject to the provisions of this section.</p>

	<p>The persons mentioned in the first subparagraph are regarded as resident in France if they have their place of residence there or if their residence is continuous there...</p> <p>Article L. O. 227-4 of the Electoral code:</p> <p>In addition to the documents required from French nationals, nationals of a State of the European Union other than France produce, in support of their request for registration on a complementary electoral roll, a valid identity document and a written declaration specifying:</p> <ul style="list-style-type: none"> a) Their nationality; b) Their address within the territory of the French Republic; c) That they have not been stripped of their voting rights in the State from which they originate.
<p>Key facts of the case (max. 500 chars)</p>	<p>The request of Mrs. X, of Portuguese nationality, to be registered on the complementary electoral roll for the local elections of the municipality of L'Ile Rousse (citizens of the European Union residing in France must be registered in order to exercise their right to vote on a complementary list of electors upon their request), was rejected by the administrative commission., as Mrs X did not submit a written declaration that she had not been stripped of her voting rights in the State from which she originates.</p> <p>On 7 February 2008, Mr. A., a third party registered voter, submitted a request contesting this rejection with the clerk's office of the L'Ile Rousse magistrates court.¹ Indeed, pursuant to Article L 25 of the Electoral Code, the decisions of the Administrative Commission may be</p>

¹ Pursuant to Article L 25 of the Electoral Code, the decisions of the Administrative Commission may be challenged by the electors concerned before the Court (*tribunal d'instance*). Article LO 227-3 of the Section 'Special provisions for the right of nationals of a member State of the European Union other than France to vote for the election of municipal councillors and members of the Council Of Paris' of the Electoral Code stipulates that, 'the appeals provided for in the second paragraph of Article L. 25 may be exercised by French voters and by persons registered on the complementary list of electors with regard both to the electoral list and the complementary electoral list'. Electoral Code, Article LO 227-3, available at : www.legifrance.gouv.fr/affichCode.do;jsessionid=336FCCEC2BB4D44DFE77AD03B367CECF.tpdila18v_1?idSectionTA=LEGISCTA000006164063&cidTexte=LEGITEXT000006070239&dateTexte=20170621

	<p>challenged by the electors concerned before the Court (<i>tribunal d'instance</i>). Article LO 227-3 of the Section 'Special provisions for the right of nationals of a member State of the European Union other than France to vote for the election of municipal councillors and members of the Council Of Paris' of the Electoral Code stipulates that, 'the appeals provided for in the second paragraph of Article L. 25 may be exercised by French voters and by persons registered on the complementary list of electors with regard both to the electoral list and the complementary electoral list'.</p> <p>In refusing the application by Mr. A., the ruling of 21 February 2008 held that the provisions of Articles L. O. 227-1 and L. O. 227-4 of the Electoral code require the production of a written declaration from Mrs. X. under which she had not been stripped of her voting rights in the State from which she originates, and that this was not produced with the file.</p> <p>Mr. A. appealed in cassation.</p>
Main reasoning / argumentation (max. 500 chars)	<p>The signature of the form comprising the mention according to which "the undersigned voter declares that they have not asked to be registered to vote in local elections in any other municipality in France and that they have not been stripped of their voting rights in the State from which they originate" is sufficient and in conformity with the requirements of Article L. O. 227-4 of the Electoral code to produce a written declaration specifying that the national of the European Union has not been stripped of their voting rights in the State from which they originate.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>Conditions and documents required for nationals of the European Union to be able to vote in France</p>
Results (e.g. sanctions) and key consequences or	<p>The Court of cassation overruled and cancelled the L'Ile Rousse magistrates' court decision of 21 February 2008, returned the parties to the state they were in before the aforementioned decision and referred them to Bastia magistrates court.</p>

implications of the case (max. 500 chars)	
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Given that in rejecting the application by Mr. A. the ruling held that the provisions of Articles L. O. 227-1 and L. O. 227-4 of the Electoral code require the production of a written representation from Mrs. X. and that this was not produced with the file.</p> <p>That in thus ruling, whereas the form filled in and signed by Mrs. X., on 8 October 2007, requires, in terms of documents, only a photocopy of an identity and nationality document and a document of proof of residence or registration on a roll for direct municipality taxation, and include the wording "the undersigned voter declares that they have not asked to be registered to vote in local elections in any other municipality in France and that they have not been stripped of their voting rights in the State from which they originate", the court did not draw on the legal consequences of their observations.</p> <p><i>Attendu que, pour rejeter la demande de M. A., le jugement retient que les dispositions des articles L. O. 227-1 et L. O. 227-4 du code électoral imposent la production d'une attestation écrite de Mme X. et que cette pièce n'est pas produite au dossier ;</i></p> <p><i>Qu'en statuant ainsi, alors que le formulaire rempli et signé par Mme X., le 8 octobre 2007, n'exige, comme justificatifs à fournir, qu'une photocopie d'un titre d'identité et de nationalité et un justificatif de domicile ou d'inscription au rôle des contributions directes communales, et comporte la mention selon laquelle " l'électeur soussigné déclare qu'il n'a demandé son inscription pour les élections municipales dans aucune autre commune de France et qu'il n'est pas déchu du droit de vote dans l'Etat dont il est ressortissant ", le tribunal n'a pas tiré les conséquences légales de ses constatations.</i></p>
Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.	No